

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 11, 2005 have been considered. Claims 1-4, 6-9, 11-20, 24-26 and 29-46 are currently pending in the Application. Claims 1, 3, 4, 6, 8, 9, 11, 12, 14, 15, 17, 19, 24, 26 and 29 have been amended, Claims 5, 10, 21-23, and 27-28 have been canceled without prejudice or disclaimer, and Claims 30-46 have been added. Consideration of the pending claims and allowance of the Application in view of the present response is respectfully requested.

Claims 1-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,167,449 to *Arnold et al.* (hereinafter *Arnold*) in view of U.S. Patent No. 5,991,823 to *Cavanaugh, III et al.* (hereinafter *Cavanaugh*). The Applicants respectfully traverse in view of the amendments and remarks provided herein.

The Applicants respectfully submit that the claims as originally filed are not rendered obvious in view of the combination of *Arnold* and *Cavanaugh*. However, in order to facilitate prosecution of the application, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Particular claims have been amended to at least set forth that a service-requesting application may include parameters within the service request to a network that facilitates invocation of a network service. The network service is selected from a group of available network services, where the network service that is selected is the most compatible with the requesting application. For example, the requesting application may provide a business agreement containing service providers that are currently established to provide the service to the requesting application. Further, when multiple services are identified, a cost function may be used to select the network service whose cost is minimized. Once the network service has been selected, a connection between the application and the network service is automatically established without any further requests being made by the application.

In one point of contrast, *Arnold* appears to use a lookup function that provides a list of services to an application that matches a service request from the application. In particular, in column 7, lines 25-28 of *Arnold*, the application may request remote file access that supports TCP/IP and in response, the application is informed of *all* services that match the request (see

e.g., column 7, lines 36-40). Once displayed, the application is then required to select the single service from the list of all services that meets the application's needs (see, e.g., column 8, lines 31-35).

Thus, selection of the service in *Arnold* requires at least a two part service request. First, a service request is required that produces a preliminary list of service providers that are available to fulfill the request. Second, the application is then required to select the service from the preliminary list that is to be used to fulfill the service request. Applicant's claimed invention, on the other hand, substantially reduces the workload required of the application, as selection and subsequent connection of the network service is automatically performed based upon the service related parameters supplied with the service request.

It is further noted that *Arnold* is cited as teaching a logical access point that is provided to a plurality of interface modules to facilitate invoking a service component from the plurality of service components. Column 4, lines 20-26 of *Arnold* is cited as teaching this claimed feature. The Applicants respectfully disagree that the cited portion of *Arnold*, or the *Arnold* in general, teach or suggest this claimed recitation.

Cavanaugh is used in combination with *Arnold* to teach the use of "interface modules as object code." In other words, *Arnold* is used as a reference teaching all aspects of the claims with the exception of providing "interface modules as object code."

It is first respectfully submitted that at least independent Claims 1 and 19, which are subject to the rejection based on the combination of *Arnold* and *Cavanaugh*, do not recite limitations related to objects or object code. The rejections to these claims are therefore based on *Arnold* alone, and the Applicants respectfully submit that *Arnold* fails to anticipate Claims 1 and 19.

It is further respectfully submitted that aspects of Applicants' present invention setting forth interface modules as object code are dependent upon independent aspects of Applicants' claimed invention, which are distinguishable over *Arnold* as discussed above, as well as distinguishable over a combination of *Arnold* and *Cavanaugh*. More specifically, *Cavanaugh* does not remedy the deficiencies of *Arnold* with respect to at least the failure of *Arnold* to automatically select and to connect to a service that is most compatible with the

requesting application, or with respect to the logical access point. Accordingly, the combination of *Arnold* with *Cavanaugh* fails to teach or suggest all of the claim limitations as required by M.P.E.P. § 2143. For at least these reasons, the combination of *Arnold* and *Cavanaugh* fail to render obvious independent Claims 1, 12 and 19 as amended.

The Applicants respectfully submit that there is a lack of motivation to combine *Arnold* with *Cavanaugh*. The mere fact that references *can* be combined does not render the combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Even assuming *arguendo* that the references relied upon were individually known in the art, this is insufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). The proffered motivation in the Office Action that one skilled in the art would have looked to the network services for “details of implementing component service implementation” or that the motivation to incorporate object “insures a distributed system” are conclusory, and the level of skill in the art cannot be relied upon to provide the suggestion to combine references (see, e.g., *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)). More particularly, to establish *prima facie* obviousness, the proffered motivation must provide a clear and particular showing, supported by actual evidence, to combine the references. *Teleflex, Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1334, 63 U.S.P.Q.2d 1374, 1387 (Fed. Cir. 2002). It is respectfully submitted that the proffered motivation provided in the Office Action does not rise to the level of clear and particular actual evidence. For at least this additional reason, it is respectfully submitted that the requisite showing of motivation to combine *Arnold* and *Cavanaugh* has not been met.

Due to the failure of the combined references to teach or suggest all of the claim limitations, and because the requisite motivation to combine *Arnold* and *Cavanaugh* has not been established, it is respectfully submitted that independent Claims 1, 12 and 19 are allowable over the cited combination of references.

Dependent Claims 5, 10, 21-23, and 27-28 have been canceled, and therefore the rejection of these claims is now moot. Dependent Claims 2-4, 6-9 and 11 are ultimately

dependent from independent Claim 1; dependent Claims 13-18 are ultimately dependent from independent Claim 12, and dependent Claims 20, 24-26 and 29 are ultimately dependent from independent Claim 19. While Applicants do not acquiesce with any particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the amendments and remarks made in connection with independent Claims 1, 12 and 19. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." M.P.E.P. §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Further, new Claims 30-33 are dependent from independent Claim 1, and new Claim 34 is dependent from independent Claim 12. Therefore, dependent Claims 2-4, 6-9, 11, 13-18, 20, 24-26, 29 and 30-34 are also allowable over the combination of *Arnold* and *Cavanaugh*.

New Claims 35-46 present additional scopes of the invention. No new matter has been added. The Applicants respectfully submit that Claims 35-46 are also allowable over the cited prior art of record.

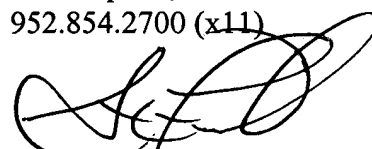
If the Examiner finds it helpful, the undersigned attorney of record invites the Examiner to contact him at 952.854.2700 to discuss any issues related to this case.

Respectfully submitted,

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